

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NIPPON SHINYAKU CO., LTD.,)
)
Plaintiff,)
)
v.) C.A. No. 21-1015 (LPS)
)
SAREPTA THERAPEUTICS, INC.,)
)
Defendant.)

**DEFENDANT SAREPTA THERAPEUTICS, INC.’S MOTION TO DISMISS
CLAIMS II-III OF NIPPON SHINYAKU’S FIRST AMENDED COMPLAINT
AND TO STRIKE PORTIONS OF THE FIRST AMENDED COMPLAINT**

Defendant Sarepta Therapeutics, Inc. (“Sarepta”) hereby moves pursuant to Fed. R. Civ. P. 12(b)(6) to dismiss Claim II of the First Amended Complaint for failure to state a claim on which relief can be granted. Sarepta also moves pursuant to Fed. R. Civ. P. 12(f) to strike paragraphs 2 (second sentence), 11, 15-20, 78, 82-87, 91, & 95-100 of the First Amended Complaint (D.I. 39) and pursuant to Fed. R. Civ. P. 12(b)(1) to dismiss Claims II and III of the First Amended Complaint for lack of subject matter jurisdiction. The grounds for this motion are more fully set forth in Sarepta’s opening brief, filed herewith.

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September 24, 2021

RULE 7.1.1 STATEMENT

Pursuant to D. Del. LR 7.1.1, counsel for Defendant Sarepta Therapeutics, Inc. states that reasonable efforts, including verbal communication between Delaware counsel, were made to reach agreement with Plaintiff Nippon Shinyaku Co., Ltd. on the portion of this motion seeking to strike portions of the First Amended Complaint (D.I. 39) under Fed. R. Civ. P. 12(f), but the parties were unable to reach agreement.

/s/ Megan E. Dellinger

Megan E. Dellinger (#5739)

CERTIFICATE OF SERVICE

I hereby certify that on September 24, 2021, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on September 3, 2021, upon the following in the manner indicated:

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